

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5609 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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TANSUKHLAL JAGJIVANDAS SHAH

Versus

GENERAL MANAGER

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Appearance:

None present for Petitioner

None present for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 22/02/99

ORAL JUDGEMENT

#. Perused the special civil application.

#. One of the grievance made by petitioner in this special civil application is that the Telecom Department has no authority to recover dues of telephone Nos.21397 and 22397 from him which are admittedly belonging to his nephew. Another grievance has been made that before

raising this demand, the petitioner has not been given any notice and opportunity of hearing.

#. This special civil application was admitted by this Court on 1.8.97 and annexure-A, the notice of demand of amount of dues of telephone numbers aforesaid has been stayed.

#. I find merits in the grievance of the petitioner that this demand has been raised against the petitioner without any notice and opportunity. Only on this short ground, this writ petition deserves to be allowed and accordingly it is allowed and the demand made of the dues of telephone numbers aforesaid standing in the name of the nephew of the petitioner is quashed and set aside. Rule is made absolute in aforesaid terms with no order as to costs. However, it is open to the respondent to proceed with recovery of this demand against the petitioner after giving notice and opportunity of hearing to him.

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[sunil]